United Nations A/C.3/54/SR.40

General Assembly
Fifty-fourth session

Official Records

Distr.: General
3 February 2000
French
Original: English

**Third Committee**

**Summary record of the 40th meeting**
Held at Headquarters, New York, on Wednesday, 10 November 1999, at 10 a.m.

*Chairman:* Mr. Galuška ..... (Czech Republic)

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00-25034 (E)

*The meeting was called to order at 10.10 a.m.*

**Agenda item 116: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/54/93, A/54/137, A/54/216, A/54/222 and Add.1, A/54/303, A/54/319, A/54/336, A/54/353, A/54/360, A/54/386, A/54/399 and Add.1, A/54/401, A/54/439 and A/54/491)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/54/188, A/54/302, A/54/330-S/1999/958, A/54/331-S/1999/959, A/54/359, A/54/361, A/54/365, A/54/366, A/54/387, A/54/396-S/1999/1000, A/54/409, A/54/422, A/54/440, A/54/465, A/54/466, A/54/467, A/54/482, A/54/493, A/54/499 and A/54/527-S/1999/1125; A/C.3/54/3 and A/C.3/54/4)

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*)

**(e) Report of the United Nations High Commissioner for Human Rights** (*continued*) (A/54/36, Suppl. No. 36)

1. **Mr. Le Hoai Trung** (Viet Nam) said that his delegation welcomed the opportunity to have a constructive dialogue on human rights issues not only within the United Nations, but also with other countries, because trust and understanding provided a favourable environment for the common cause of promoting and protecting human rights.

2. The World Conference on Human Rights, held at Vienna in 1993, had rightly stressed the universality and specificity of human rights. Human rights were universal, but their expression and implementation in the specific economic, social and cultural context of each country remained within the competence and responsibility of each State. The promotion of human rights was closely linked with the advancement of peace and sustainable development, and international cooperation in the field of human rights must be enhanced so that the purposes of the United Nations could be fully achieved.

3. Viet Nam took note of the views of the United Nations High Commissioner for Human Rights on the need to build sustainable national capacity to implement international human rights standards and to reflect on measures to respond to and prevent widespread and systematic violations of human rights. At the same time, his delegation reiterated that a constructive approach, based on dialogue, objectivity, respect for the national sovereignty and territorial integrity of the countries concerned, impartiality, non-selectivity and transparency should prevail in the consideration of human rights issues within the global context. Viet Nam deplored the use of human rights as a pretext to intervene in the internal affairs of sovereign States and even to impose unilateral sanctions or to encroach upon their right to self-determination, political independence and territorial integrity.

4. His delegation was pleased that the achievement of economic, social and cultural rights, including the right to development, continued to be one of the main priorities of the Office of the High Commissioner. In that regard, further efforts needed to be made to strengthen the legal force of the right to development and to create a national and international environment that was favourable to its achievement.

5. Viet Nam recognized that the human person was both the goal and the dynamic of development, and had made efforts to fulfil its obligations under the core international instruments on human rights, and under its Constitution, national laws and national mechanisms to ensure democracy and respect for the rights of Vietnamese citizens. The renovation process which had started a decade previously had created more favourable social, economic and institutional conditions for the promotion of democracy and human rights in Viet Nam. The Constitution of Viet Nam stipulated that the State must pursue a policy of equality, solidarity and mutual assistance among all ethnic groups and prohibited racial discrimination. All Vietnamese citizens were free to follow or not to follow a religion and there was equality between all religions. There were now nearly 20,000 places of worship in Viet Nam for all religions combined. One third of the population was affiliated with a religion, and several million Vietnamese had kept their traditional beliefs. In recent years, his Government had adopted many regulations to protect religious rights and freedoms and disseminate religious teachings. In 1998, the Special Rapporteur on religious intolerance had visited Viet Nam and his Government had continued to cooperate with him by providing all the information he requested.

6. His Government was determined to ensure the human rights of the Vietnamese people and was therefore taking

concrete measures to consolidate the democratic nature of institutions and the participation of the Vietnamese people in political life and was conducting a socio-economic policy aimed at improving the standard of living throughout Viet Nam. In those endeavours, it looked forward to cooperation, sympathy and understanding on the part of the international community.

7. **Mr. Martino** (Observer for the Holy See), speaking on agenda item 116 (e), said that religious freedom constituted the very heart of human rights. The right to religious freedom was based upon the dignity of the human person and his or her inner and indestructible need to act freely according to the imperatives of his or her own conscience. That inner reflection, even if it did not result in an explicit and positive assertion of faith in God, must be respected in the name of the dignity of each individual.

8. The practice of religion consisted primarily of those voluntary and free internal acts by which a human being directly set his course towards God. Man's social nature required that he give external expression to those acts, communicate with others, and profess his religion in community. In the modern world, the fundamental role of religion had been to awaken peoples in the search for freedom and development; in many cases it was religion which had preserved intact and even strengthened the identity of entire peoples.

9. Since its inception, the United Nations had taken several significant steps towards protecting the right of religious freedom. The Universal Declaration of Human Rights recognized that that right included the right to manifest personal beliefs, whether individually or with others, in public or in private, and the right freely to change one's religion. The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had certainly helped to focus the attention of the international community on that inalienable right.

10. Although much had been done to lay the foundations of a universal culture of human rights, there were still places where the right to gather for worship was not recognized or was limited to the members of one religion. There were still too many cases of religious repression. In the absence of corresponding legal guarantees, the various national and international instruments proclaiming the right to freedom of conscience or religion were doomed to remain a dead letter. In many countries, individuals, families and entire groups were still being discriminated against and marginalized because of their religious beliefs. Those violations of one of the fundamental rights of the human person were a source of enormous suffering for believers.

11. As noted by Pope John Paul II in his address to the United Nations in 1995, the fear of "difference", amplified by historic grievances and exacerbated by the manipulations of the unscrupulous, could lead to a denial of the very humanity of the "other", with the result that people fell into a cycle of violence in which no one was spared, not even the children. Recourse to violence in the name of religious belief was a perversion of the very teachings of the major religions. It could never claim a religious justification, nor could it foster the growth of true religious feeling.

12. The Holy See had considered the question of religious freedom not only from a theological point of view, but also from the vantage point of natural law on the basis of the premises given by man's own experience, his reason and his sense of human dignity.

13. In a recent encounter with religious leaders, Pope John Paul II had stressed that one of the principal demands of freedom was the free exercise of religion in society. No State or group could claim the right to impose or impede the public profession and practice of religion.

14. **Ms. Ramli** (Malaysia) said that if human rights issues still posed problems almost 51 years after the adoption of the Universal Declaration of Human Rights, it was because they were complex and multifaceted. Armed conflicts between countries were becoming less frequent than those within countries; the relationship between citizens and their Governments was subjected to greater scrutiny; and interference in the internal affairs of States on grounds of human rights violations seemed to be the norm, calling sovereignty itself into question. It was therefore essential to review the principle of humanitarian intervention and finalize a mechanism for determining when intervention was necessary and unavoidable, as in the case of Kosovo, and when it was unjustified by the situation.

15. While welcoming the report of the United Nations High Commissioner for Human Rights (A/54/36), she noted that it related to developing countries in particular and focused more on civil and political rights than on economic, social and cultural rights. That imbalance, although frequently called into question, continued to exist. Moreover, although human rights principles were universal, the same could not apply to their application, given the considerable variation between countries in terms of their history, culture and values, not to mention their economic and political situations. Consistency and non-selectivity were therefore important in their application. Since no country could claim to have a perfect human rights record, it would be more effective to strengthen cooperation and promote dialogue than to pass judgement.

16. The choice and mandate of special rapporteurs was an important issue in which connection background and professionalism should be taken into account. Malaysia continued to take a keen interest in the review of the special mechanisms of the Commission on Human Rights and welcomed the concrete measures proposed by the Chairman of the Commission during its fifty-fifth session aimed at limiting the tenure of rapporteurs within a given mandate to six years, other than in exceptional circumstances. Such proposals would strengthen objectivity and ensure a regular infusion of new expertise and perspectives. Her delegation also believed that the reasons behind the failure of certain States to cooperate with rapporteurs should be studied in depth, as should the manner in which rapporteurs were appointed and discharged their functions and the criticism that the Commission was not impartial and that its work was highly politicized.

17. She concurred with the conclusions of the High Commissioner that prevention was the most effective means of strengthening human rights protection. It was therefore essential to strengthen preventive mechanisms at the national level and increase capacity-building, in which connection education and training were both vital.

18. In his report on strengthening United Nations action in the field of human rights (A/54/216), the Secretary-General emphasized the integration of human rights in the different sectors of the United Nations system, particularly within the context of development programmes. Commendable as that goal was, human rights should not be used as a pretext for refusing to provide a country with development assistance. In particular, donor countries should not base their decisions to provide such assistance to developing countries on the Human Development Report 2000 of the United Nations Development Programme (UNDP), which reported on human development from a human rights perspective. She supported the High Commissioner's view that the enjoyment of all human rights was the cornerstone of peace and security; being indivisible and interdependent, they should be treated in the same way. The right to development, which was a fundamental and inalienable human right, should provide the framework for the articulation of economic, social and cultural rights. The recognition of its importance by all States would facilitate its translation into concrete action.

19. Human rights were meaningless in an environment of political, economic and social instability. Although essential, freedom of expression and opinion should be exercised with responsibility, particularly in multiracial, multireligious, multilingual and multicultural countries. Malaysia, for example, had to tread carefully in order not to offend the various religious and ethnic groups in the course of its efforts to promote national integration and cohesion, and it hoped that the international community would fully appreciate the difficulty of that task.

20. The Malaysian Parliament had approved the establishment of a human rights commission, which, in addition to the function of protecting and promoting those rights, would investigate complaints of their violation, promote awareness of human rights and study the various instruments which Malaysia had yet to accede to or ratify. It should be fully operational by early 2000.

21. Her Government followed with deep concern the deteriorating humanitarian situation in Chechnya. The conflict in the region had caused death and suffering among the innocent civilian population. While terrorism was a legitimate concern of Governments, measures taken to counter it should be proportionate and consistent with the provisions of humanitarian law applicable to armed conflicts, and with Security Council resolutions 1261 (1999) and 1265 (1999). Malaysia welcomed the dispatch of a United Nations humanitarian mission to Ingushetia and called on the international community to provide assistance to the refugees. It also appealed to the parties to the conflict to take special care to avoid civilian casualties and to endeavour to find a political solution.

22. The best approach to protecting human rights was to promote dialogue and international cooperation. As stipulated in the Charter of the United Nations, States should settle their international differences by practising tolerance and forging cooperation.

23. **Ms. Wensley** (Australia) said that, despite the efforts of countless individuals, organizations, Governments, and the United Nations itself, the year 1999 had been characterized by an unacceptable number of human rights violations, only some of which — such as those that had occurred in Kosovo and East Timor — had prompted an international response. It was nonetheless reassuring to note that the international community was increasingly active in the protection of human rights, particularly where it involved intervening across national borders. As the Secretary-General had pointed out, the perpetrators of human rights violations were no longer sheltered inside their territories, and her delegation felt that the maintenance of global peace and security through humanitarian intervention was one of the fundamental tasks before the United Nations. Although that concept sometimes sat uneasily with the notions of sovereignty and national interest, the United Nations should impress on States the idea that the adoption of policies that conformed with universally accepted human rights norms

served their national interests, and put them in a position to respond effectively when human rights were violated.

24. Her Government had reacted swiftly to the events in East Timor and remained deeply committed to assisting in the protection of the basic rights of the East Timorese people. Credit was nonetheless due to Indonesia for having taken the initiative to permit that people to determine its own future, despite its own difficult economic circumstances. Her Government, like many others, welcomed the democratization process undertaken by Indonesia, and in particular the holding of general elections in June 1999 and presidential elections in October 1999. By granting independence to East Timor, the Indonesian Parliament had opened a new chapter that should enable it to play a larger role in promoting the defence of human rights, both in its territory and in the region as a whole. In that regard, her delegation welcomed the commitment made by the new President of Indonesia, in particular his decision to establish a separate human rights ministry. Other Governments in the region also seemed to be adhering to the same standards. Their political courage should be recognized since, by so doing, they were taking considerable risks.

25. For its part, the Cambodian Government had recently agreed to extend the mandate of the Cambodia Office of the United Nations High Commissioner for Human Rights, and would, it was hoped, cooperate with that Office in all aspects of its work. Her delegation welcomed the recent amendment to the Cambodian law on civil servants. It urged the Cambodian Government to bring swiftly to justice all those responsible for abuses, to take measures to strengthen the justice system, to reform the land law and land title system, and to resolve the problem of land confiscations.

26. Meanwhile, the People's Republic of China seemed to be moving towards greater transparency in its legal and administrative system, and was endeavouring to protect economic rights through poverty alleviation. Her Government supported China's efforts in that regard through technical assistance programmes and called on the Chinese Government to provide greater protection for individual freedoms, such as the freedom of association, thought, religion and assembly. Her Government took a particular interest in the protection of the cultural and religious freedoms of minority groups, and urged China to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Arbitrary detentions and torture should have no place in modern Chinese society.

27. The violation of human rights in Burma was a matter close to the heart of many Australians. Her Government hoped that the recent visit of the Secretary-General's special representative would serve to improve the political and humanitarian situation in that country. The Burmese Government, which had made efforts to cooperate with the International Committee of the Red Cross in registering prisoners, should also enter into consultations on political reform with representatives of ethnic minorities and of the National League for Democracy and develop an independent human rights institution.

28. The continued fighting in Afghanistan was causing massive population displacements and untold suffering. Moreover, the policies imposed by the Taliban made the situation of women intolerable. The Australian Government appealed to all Afghan factions to respect human rights and international law and to allow the free and safe delivery of vitally needed humanitarian aid.

29. The situation in the Great Lakes region continued to be distressing. The Australian Government welcomed the signing of the Lusaka peace agreement of 10 July 1999 and urged all signatories to implement its provisions and to work towards a long-term solution acceptable to all.

30. The situation in Sudan also continued to be worrisome. Her delegation, urged the Sudanese Government, in addition, to extend the ceasefire in Southern Sudan, to cooperate with international agencies, humanitarian organizations and the Special Rapporteur, with a view to easing the suffering of victims of the conflict.

31. Turning to the matter of Algeria, she said that her Government had been encouraged by President Bouteflika's efforts to promote reconciliation and the restoration of peace, following seven years of tragedy.

32. Her Government was also encouraged by Iranian President Khatami's emphasis on the rule of law and the protection of rights and freedoms, in accordance with the Iranian Constitution. Respect for human rights, and in particular the rights of such religious minorities as the Baha'i, was not, however, always guaranteed.

33. Her delegation was concerned by the arbitrary detention of political activists in Cuba, and called on the Cuban Government to respect the applicable international standards and to lift restrictions placed on political parties, the media, non-governmental organizations and ordinary citizens.

34. Her Government welcomed the settlement negotiated by the Government of Papua New Guinea with regard to Bougainville and supported the peace process.

35. The Australian Government was opposed to the death penalty, an inhumane form of punishment that violated the

most fundamental human right, the right to life, and that was being used by some countries with increasing frequency, especially for minor crimes. Also disturbing was the use by many countries of national security legislation to block the peaceful expression of opinion or belief. Her delegation urged all States to sign or adhere to the relevant human rights instruments.

36. The Australian Government would continue to work towards the improved protection of fundamental rights for all by engaging States in constructive dialogue, by providing practical assistance, and by supporting the strengthening of the relevant United Nations bodies.

37. **Mr. Robu** (Republic of Moldova) recalled that the Vienna Declaration and Programme of Action specified that the protection of human rights was a matter of both priority and legitimate concern. The entire international community therefore had the obligation to assess the extent to which international human rights standards were being implemented at the national level.

38. Since the protection and promotion of those rights were the first responsibility of the Governments of every State, the Government of Moldova was currently reforming the judicial system to improve protection of the rights of individuals. The Parliament had adopted more than 20 laws regulating various aspects of human rights. In addition, the Republic had developed a comprehensive system of human rights protection within the framework of the Council of Europe, based in particular on the European Convention on Human Rights. In January 1999 the Parliament had adopted a programme to bring Moldova's legislation into line with the provisions of the Convention, under which the Government was obliged to submit proposals to Parliament aimed at revising 22 legislative acts, including the Constitution, the Criminal Code, the Civil Code and the Labour Code. The death penalty had been abolished in December 1995.

39. The United Nations had declared the years 1995 to 2004 as the United Nations Decade for Human Rights Education, and his Government had created a national committee for human rights education responsible for reviewing the progress made in that respect. It had also held a national conference on the protection and promotion of human rights, as well as numerous seminars and round tables. For its part, Parliament had adopted the Law on Parliamentary Advocates, which established the Centre for Human Rights, an independent human rights protection body responsible primarily for increasing the population's awareness of human rights and for informing citizens of national and international legislation in that field. His Government was aware that much remained to be done, especially with respect to economic, social and cultural rights.

40. Turning to the problem of separatism in the eastern part of the country, he said he deplored the fact that citizens under the control of the secessionist regime had been deprived of their right to take part in national elections, to appeal to the country's judicial authorities, to participate in economic reforms and to study in their mother tongue. The population's fundamental rights in that region were being systematically violated. For example, Mr. Ilascu and the members of his group, who had been illegally imprisoned seven years earlier, had still not been released. His Government had nonetheless adopted, with the support of international organizations, a constructive policy that gave the region autonomous status while respecting the principle of territorial integrity and the sovereignty of the Republic of Moldova.

41. **Mr. Mutaboba** (Rwanda) deplored the fact that the international community neither understood nor supported his country's efforts to improve the human rights situation. The Government of National Unity, in its desire to consolidate peace and security and promote unity and reconciliation, had established a national human rights commission and a commission for national unity and reconciliation.

42. Some countries, and in particular the members of the European Union, continued to express concern about human rights violations in Rwanda without naming those violations, apart from references to overcrowding in prisons. In his delegation's view, real human rights violations took place when criminals were given safe haven and credit; when the pleas of the victims were neglected, but the calls of their killers were heard; when all acceptable norms of justice were disregarded, and criminals were set free. As a sovereign State, Rwanda had no lessons to learn from those that had failed it in its time of need and that continued to be less than helpful.

43. **Mr. Rhallis** (Greece) said that his delegation associated itself with the statement made by the representative of Finland on behalf of the European Union, but wished to raise an issue which had been of serious concern not only to Greece but to the international community — the persistent violation of human rights in Cyprus after the invasion of the island by Turkish forces 25 years earlier.

44. Many Greek Cypriots who had been forced to abandon their homes had become refugees in their own country and were living in unacceptable conditions. The systematic

looting of the Cypriot cultural heritage was a fact, as was "ethnic cleansing". Fundamental rights and freedoms such as freedom of religion, education, information, movement, and the right to settle and to acquire property were being systematically violated. In addition, 1,600 Greek Cypriots were still missing.

45. Over and above those facts, it should be strongly emphasized that time should not allow those who violated human rights to have their actions eventually accepted, as that would encourage such violations and would undermine the credibility of the international community. It could only be noted that the perpetrators of the violations had taken no steps to comply with the many resolutions adopted on Cyprus by the United Nations General Assembly and Security Council.

46. If it was important to inspire the new generations with the principles enshrined in human rights instruments, then the question of human rights violations in Cyprus must be resolved on the basis of the relevant United Nations resolutions. The universality of human rights must be reaffirmed through the application of the same standards the world over. The Cypriot problem persisted and Nicosia remained the last divided capital in the world because the international community had thus far been unable to find a solution.

47. The Turkish Cypriots should take the necessary steps, in conformity with the Declaration on Cyprus of the leaders of the Group of Eight and with United Nations Security Council resolutions 1250 (1999) and 1251 (1999), to break the deadlock so that both Greek and Turkish Cypriots would be able fully to enjoy their rights and pursue their economic and social development in a climate of security. That could only help strengthen the stability of the entire region.

*The meeting rose at 11.15 a.m.*